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PLAINTIFFS

JAMES R. SWEENEY and
MALCOLM S. SWEENEY

DEFENDANTS

THE GENERAL TIRE & RUBBER COMPANY
a foreign corporation

CAUSE

Personal injury action in which the United States District Court for the Northern District of Oklahoma would have no jurisdiction and venue pursuant to 28 USCA §1331 and 28 USCA §1391. Removed from District Court of Tulsa County, Oklahoma to United States District Court for Northern District of Oklahoma pursuant to 28 USCA §1441.

ATTORNEYS

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DATE

RECEIPT NUMBER

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STATISTICAL CARDS

CARD	DATE MAILED
JS-5	12-1-76
JS-6	7-1-77

DATE 1976	NR.	PROCEEDINGS
11-30	1.	Petition for removal from Dist. Court of Tulsa Co., filed. ph w/ JURY TRIAL REQUESTED.
11-30	2.	Bond on removal, filed. ph
11-30	3.	Notice of Filing of Petition and Bond for removal, filed. ph
11-30	4.	Ans. of deft., filed. ph
11-30	5.	Ack. of the Clerk of Dist. Ct. Tulsa Co., filed. ph
12-9	6.	Pltfs' reply to ans. of deft., filed. ph w/pltfs' REQUEST FOR JURY.
1977		
1-6	7.	Pltfs' first interrogs. to deft., filed. ph
1-19	8.	Depositions of Malcolm S. Sweeney and James R. Sweeney taken on 12-30-76 at Tulsa, OK, filed. ph (M. Ballard-LSR)ph
1-24	MO:	Case set for PT hearing 3-11-77 at 1:00 p.m. (HDC-J)hm
1-26	9.	Appl. of deft. for addit. time to ans. interrogs, filed. ph (O part of appl. to J)
1-27		Order (as part of appl), filed, granting def.to 2/16/77 to file ans. to interrogatories.(HDC-J)rm-copies mailed
1-31	10.	Request of pltf. to file amended complaint,filed.rm (O to J)
2-3	11.	Order, filed, granting pltf's request to file amended petition within 5 days. (HDC-J)hm (copies mailed)
2-3	12.	Amended complaint, filed. hm
2-8	13.	Deft's amended answer, filed. ph
2-11	14.	Pltfs' reply to the ans. of deft., filed. ph
2-11	15.	Pltfs' motion to strike and brief, filed. ph
2-11	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to the Motion to strike of pltfs. (HDC-J)PH cps mld
2-16	16.	Deft's appl. for addit. time to ans. interrogs, filed. ph (O a part of appl. to J)
2-16	--	Order, filed, granting deft. until 3-2-77 to file ans. to interrogs., (HDC-J)ph cps mld
2-22	17.	Second Amended Answer, filed. ph w/leave granted to file.
2-24	MO:	Upon advice of counsel, the pltfs' motion to strike is now moot. (HDC-J)ph ltr mld
3-2	18.	Def. answers to plt. first set of interrogatories, filed. rm
3-7	19.	Joint pretrial memo, filed. ph
3-11	MO:	PT hearing held. Statements made. Pltf's amended comp. amended by inter- lineation on Malcolm to \$50/day, for a total of \$2100. Pltf. allowed to file 2nd amended complaint. Pltf. to file PT order within 20 days, and case set for jury trial 6-6-77. PT briefs, req. instr. & voir dire to be filed by 5-20, along with marked exhibits. Any dispute on ident. of exhibits to be handled prior to that time. (HDC-J)hm
4-4	20.	Appl. of pltf. for ext. of time to file PT Order, filed. ph (O to J)
4-7	21.	Order, filed, granting pltf. until 4-11-77 to file PT Order. (HDC-J)ph cps mld
4-12	22.	Pre-trial order, filed. (HDC-J)ph
5-19	23.	Pltfs' requested voir dire instructions, filed. ph
5-19	24.	Pltfs' trial brief., filed. ph
5-19	25.	Pltfs' list of witnesses, filed. ph

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>76-C-599</u>
JAMES R. SWEENEY, et al	THE GENERAL TIRE & RUBBER CO.	PAGE <u>3</u> OF <u>2</u> PAGES

DATE	NR.	PROCEEDINGS
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1977

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Pltfs' exhibits, filed. ph

Pltfs' request to add amendment to pre-trial order, filed. ph

Defts' Requested Voir Dire Instructions, fld. njb

Defts' Trial Brief, fld. njb

Deft. & Pltfs' List of Witnesses, fld. njb

Order, filed, allowing pltfs to amend PT order by adding Charles McPherson, Mgr., E. L. Powell Trucking Co. as addl. witness; and allowing pltfs to introduce into evidence an addl. exhibit. (HDC-J)g

Deft's appl. to amend pre-trial order to add two exhibits to be offered by deft., filed. ph (O to J)

Order, filed, permitting deft. to offer 2 addl. exhibits. (HDC-J)g mld

Jury trial held June 6,7&8. Parties announce ready. Jury empaneled, admonished & sworn. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. Portions of depos. of Malcolm S. Sweeney offered & admitted into evid. by pltf. & deft. Pltf. rests. Deft's mo/dismissal denied. Film shown to Court out of presence of jury by deft. Over obj. of pltf., film shown to jury. Deft. presents case in chief w/test. of witnesses, introduction of exhibits & rests. Pltf. presents rebuttal evid. w/test. of witness & rests. Parties rest. Closing arguments given. Instructions given to the Jury. Bailiff sworn. Jury retires to deliberate at 2:40 p.m. on 6-7-77, & returns with verdicts in favor of pltfs. at 11:30 a.m. on 6-8-77. Verdicts ordered received, read & filed in open court. Deft's renewed mo/dismiss overruled. Pltf. directed to prepare proper judgment. (HDC-J)hm

Trial exhibits, filed. (some in ex. rm; most w/file)hm

Instructions to the jury, filed in open court. (HDC-J)hm

Verdict, filed in open court, for the pltf. James R. Sweeney in the amt. of \$20,560.00. hm

Verdict, filed in open court, for the pltf. Malcolm S. Sweeney in the amt. of \$3,383.00. hm

Ordered that over no obj. by deft., pltf. is allowed to withdraw pltf's exhibits 11 & 11A. (HDC-J)hm

Journal entry of judgment, filed and entered, that pltf./recover judgment against deft. in amt. of \$20,560.00, with costs & int. at statutory rate; further that pltf. Malcolm S. Sweeney recover judgment against deft. in amt. of \$3,383.00, with costs & int. at statutory rate. (HDC-J)hm (copies mailed)

Release and satisfaction of Judgment, filed. ph

Reporters partial transcript of proceedings had on 7-7-77, Jury Trial, (testimony of Wendell D. Kegg), before Judge H. Dale Cook. (TGB-RPR)ho fld. 63 pgs.

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PROCEEDINGS